

July 27, 2007

Implementing the 9/11 Commission Recommendations Act of 2007



WE WILL NEVER FORGET.



Report prepared by the Majority Staff of the U.S. House Committee on Homeland Security
for Rep. Bennie G. Thompson (D-MS), Chairman

Implementing the 9/11 Commission's Recommendations

Implementing Recommendations of the 9/11 Commission Act of 2007

REPORT PREPARED BY THE MAJORITY STAFF, U.S. HOUSE COMMITTEE ON HOMELAND SECURITY
REP. BENNIE G. THOMPSON (D-MS), CHAIRMAN

This report provides a side-by-side comparison of accomplishments in the “Implementing Recommendations of the 9/11 Commission Act of 2007” and the recommendations from the 9/11 Commission that relate to each title.

Title I: Homeland Security Grants

Allocates homeland security grants based on risks and vulnerabilities. The report ensures accountability by requiring States to submit annual reports on homeland security spending, and requires audits of state and urban areas that receive grants from the Department.

9/11 Commission Recommendation #25

“Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities” (pg. 396). Subsequently, in December 2005, the 9/11 Public Discourse Project gave the Administration and Congress an “F” on implementation of this recommendation. However, they said this grade would change to an “A” if the provisions in Title 1 are passed.”

Title II: Emergency Management Performance Grants

Authorizes continuation of the Emergency Management Performance Grant program for an additional 5 years. The program provides funding to States to assist in preparing for and responding to all hazards.

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“Key decision makers who are represented at the incident command level help to ensure an effective response, the efficient use of resources, and responder safety.”

Title III: Interoperability

Establishes a stand-alone interoperability grant program at the Department of Homeland Security. Authorizes \$1.6 billion for the grant program over a 5-year period to give emergency responders the ability to improve emergency communication capabilities for first responders. The grant would be distributed only after the submission of statewide interoperability plans, the completion of a National Emergency Communication Plan, and after the Secretary certifies that certain standards are met.

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The Commission cited the inability to communicate as a critical failure on 9/11 and stated that compatible and adequate communications among emergency responders at the local, state, and Federal levels remain a problem. This interoperability funding title ensures that this key Commission concern is addressed.

Title IV: Incident Command System

Strengthens the design of the national exercise program and promotes the use and understanding of the Incident Command System (ICS). Requires FEMA regional directors to work with state and local governments to pre-identify sites where multi-jurisdictional incident command centers can be established. Requires DHS to establish standards and guidelines for all federal agencies with responsibilities under the National Response Plan to make Federal resources available to respond to a disaster.

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“Emergency response agencies nationwide should adopt the Incident Command System (ICS). When multiple agencies or multiple jurisdictions are involved, they should adopt a unified command. Both are proven frameworks for emergency response. We strongly support the decision that federal homeland security funding will be contingent, as of October 1, 2004, upon the adoption and regular use of ICS and unified command procedures. In the future, the Department of Homeland Security should consider making funding contingent on aggressive and realistic training in accordance with ICS and unified command procedures.”



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Title V: Intelligence & Information Sharing

Improves awareness of terrorist threats by ensuring that "border intelligence" is a priority. The report also reorganizes the Department of Homeland Security to establish an "Under Secretary for Intelligence and Analysis." This section also requires the Department of Homeland Security to manage a detail of State, local, and tribal law enforcement officers working in the National Counterterrorism Center (NCTC) to improve information sharing.

9-11 Commission Recommendations #34-35

"Information procedures should provide incentives for sharing, to restore a better balance between security and shared knowledge."
"The president should lead the government-wide effort to bring the major national security institutions into the information revolution. He should coordinate the resolution of the legal, policy, and technical issues across agencies to create a 'trusted information network.'"

Title VI: Congressional Oversight of Intelligence

Requires disclosure of the top line number requested in the budget for the National Intelligence Program (NIP) and the funds appropriated for the NIP. Clarifies the authority of employees to disclose classified information to Congress. Extends the life of the Public Interest Declassification Board. Requires the Senate to report on progress made on the 9/11 Commission recommendations with respect to intelligence reform and congressional intelligence oversight reform.

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"Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by current congressional rules and resolutions, we believe the American people will not get the security they want and need."

Title VII: Terrorist Travel

Seeks improved international collaboration to stem violent extremism and enhances driver's license pilot projects and the Western Hemisphere Travel Initiative. Authorizes funding for the Human Smuggling and Trafficking Center. Modernizes the Visa Waiver Program (VWP) by providing several security enhancements to the program, including increasing information-sharing and reporting of lost and stolen passports by VWP countries.

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"The United States should engage other nations in developing a comprehensive coalition strategy against Islamist terrorism. There are several multilateral institutions in which such issues should be addressed. But the most important policies should be discussed and coordinated in a flexible contact group of leading coalition governments. This is a good place, for example, to develop joint strategies for targeting terrorist travel, or for hammering out a common strategy for the places where terrorists may be finding sanctuary."

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"Targeting travel is at least as powerful a weapon against terrorists as targeting their money. The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility."



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Title VIII: Privacy & Civil Liberties

Establishes the Privacy and Civil Liberties Oversight Board as an independent agency. Grants subpoena authority to DHS Privacy Officer. Creates Privacy and Civil Liberties Officers with subpoena authority in various Executive Branch agencies. Mandates reports to Congress from agencies that conduct data mining activities.

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"At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our liberties."

Title IX: Private Sector Preparedness

Requires the Secretary of Homeland Security to establish a program to enhance private sector preparedness for natural and man-made disasters. Establishes a voluntary certification program to assess whether a private sector entity meets voluntary preparedness standards.

9-11 Commission Recommendation #28

"We endorse the American National Standards Institute's recommended standard for private preparedness... We also encourage the insurance and credit-rating industries to look closely at a company's compliance with the ANSI standard in assessing its insurability and creditworthiness. We believe that compliance with the standard should define the standard of care owed by a company to its employees and the public for legal purposes. Private-sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world. It is ignored at a tremendous potential cost in lives, money, and national security."

Title X: Critical Infrastructure Protection

Requires the Secretary to maintain two databases addressing critical infrastructure: the National Asset Database (NADB) and, using NADB, a Prioritized Critical Infrastructure List. Codifies the NADB and provides guidance about which assets should be included in the NADB. Requires annual review of assets for accuracy of information. Calls for effective consultation with State governments and the private sector about assets for inclusion in the NADB. Requires the Secretary to report on the comprehensive risk assessments of critical infrastructure that the Department is already required to conduct under the Homeland Security Act.

9-11 Commission Recommendation #41

"The Department of Homeland Security and its oversight committees should regularly assess the types of threats the country faces to determine (a) the adequacy of the government's plans-and the progress against those plans-to protect America's critical infrastructure and (b) the readiness of the government to respond to the threats that the United States might face."

Title XI: Biological & Nuclear Detection

Strengthens counterproliferation efforts by authorizing a National Biosurveillance Integration Center (NBIC) within the Department of Homeland Security. Also requires the Comptroller General of the United States to report to Congress on Federal, State, and local biosurveillance efforts, any duplication of such efforts, and recommendations on

Pages 380-381

"The greatest danger of another catastrophic attack in the United States will materialize if the world's most dangerous terrorists acquire the world's most dangerous weapons..." The Commission specifically recommends strengthening counterproliferation efforts, expanding the Proliferation Security Initiative, and supporting the Cooperative Threat Reduction Program."



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integration of systems. Requires the Secretary to ensure that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated. Requires the Secretary to develop a departmental technology assessment process.

Title XII: Transportation Security Planning & Support

Designates roles and missions for relevant authorities by requiring transportation security plans. Requires the establishment of a Strategic Information Sharing Plan. Requires the Secretary to submit a report on the plan as well as an annual report and updates on implementation. Requires the Secretary to conduct an annual survey on stakeholder satisfaction concerning the intelligence reports issued by the Department.

Title XIII: Transportation Security Enhancements

Authorizes Visible Intermodal Prevention and Response (VIPR) teams (surge capacity) and increases the number of surface transportation security inspectors. Expands explosives detection canine training.

Title XIV: Public Transportation Security

Establishes a national strategy for public transportation security. Establishes a security grant program for public transportation. Increases information sharing between Federal government and local public transportation systems.

Title XV: Surface Transportation Security

Requires security plans to be developed. Establishes security grant programs for over-the-road buses and freight and passenger rail. Strengthens pipeline security. Strengthens security for transportation of hazardous materials.

9-11 Commission Recommendation #19

"The U.S. government should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost effective ways of doing so, and then develop a plan, budget, and funding to implement the effort. The plan should assign roles and missions to the relevant authorities (federal, state, regional, and local) and to private stakeholders. In measuring effectiveness, perfection is unattainable. But terrorists should perceive that potential targets are defended. They may be deterred by a significant chance of failure."

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"While commercial aviation remains a possible target, terrorists may turn their attention to other modes. Opportunities to do harm are as great or greater, in maritime or surface transportation."

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"Surface transportation systems such as railroads and mass transit remain hard to protect because they are so accessible and extensive."



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Title XVI: Aviation Security

Requires 100% screening for cargo on passenger aircraft and includes a 3-year phase-in with benchmarks. Requires annual dedication of \$250 million from the Aviation Security Capital Fund for the installation of in-line electronic screening systems to enhance screening of checked baggage at airports. Creates an Office of Appeals and Redress at DHS for passengers wrongly delayed or prohibited from boarding flights. Strengthens explosives detection at passenger screening checkpoints.

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"No single security measure is foolproof. Accordingly, the TSA must have multiple layers of security in place to defeat the more plausible and dangerous forms of attack against public transportation. The plan must take into consideration the full array of possible enemy tactics....Each layer must be effective in its own right. Each must be supported by other layers that are redundant and coordination."

Title XVII: Maritime Cargo

Improves the ability of inspectors to detect weapons of mass destruction by requiring 100% scanning of incoming cargo before such cargo reaches U.S. ports of entry. Gradual implementation over a 5-year period will ensure that there is no disruption in flow of commerce.

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"TSA also needs to intensify its efforts to identify, track, and appropriately screen potentially dangerous cargo in both the aviation and maritime sectors."

Title XVIII: WMD Proliferation & Terrorism

Strengthens our protection from weapons of mass destruction by streamlining the Cooperative Threat Reduction Programs through the repeal of certain limitations, authorizing acceleration, expansion and strengthening of the Global Threat Reduction Initiative, the Nonproliferation and International Security Program, and the International Materials Protection, Control and Accounting Program. The report also creates a coordinator for U.S. nonproliferation programs who will ensure that weapons reduction goals are met.

Pages 380-381

"The greatest danger of another catastrophic attack in the United States will materialize if the world's most dangerous terrorists acquire the world's most dangerous weapons...." "The Commission specifically recommends strengthening counterproliferation efforts, expanding the Proliferation Security Initiative, and supporting the Cooperative Threat Reduction Program."

Title XIX: International Technology Cooperation

Amends the Homeland Security Act of 2002 by directing the Department's Under Secretary for Science and Technology (S&T) to establish a Science and Technology Homeland Security International Cooperative Programs Office. The office is to facilitate the planning, development, and implementation of international cooperative activities, such as joint research projects, exchange of scientists and engineers, training of personnel, and conferences, in support of homeland security.

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"In the post-9/11 world, threats are defined more by the fault lines within societies than by the territorial boundaries between them. From terrorism to global disease or environmental degradation, the challenges have become transnational rather than international. That is the defining quality of world politics in the twenty-first century. National security used to be considered by studying foreign frontiers, weighing opposing groups of States, and measuring industrial might...Threats emerged slowly...now threats can emerge quickly."



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Title XX: International Implementation

Enhances and increases the flexibility of the International Muslim Youth Opportunity Fund to promote civic education. Authorizes a Middle East Foundation to carry out grants in the region. Increases capacity for International Broadcasting and creates more oversight of both broadcasting and public diplomacy. Requires increased efforts to develop a common coalition approach on terrorist detainees, which must be in compliance with the Geneva Conventions. Provides for enhanced attention and strategies for Afghanistan, Pakistan and Saudi Arabia.

Title XXI: Advancing Democratic Values

Requires long-term strategies, not simply focused on elections, for promoting democracy and human rights, with more oversight over those strategies. Provides for training and the development of expertise to promote human rights and democracy. Provides that promotion of democracy and human rights should be conducted in cooperation with other democratic countries.

Title XXII: Communications

Allows States to use a portion of PSIC funding to establish strategic technology reserves. Clarifies congressional intent of the Post-Katrina Reform Act with regard to emergency communications.

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“The U.S. Government should offer to join with other nations in generously supporting a new International Youth Opportunity Fund. Funds will be spent directly for building and operating primary and secondary schools in those Muslim states that commit to sensibly investing money in public education.”

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“The U.S. government must identify and prioritize actual or potential terrorist sanctuaries [including Afghanistan, Pakistan, and Saudi Arabia]. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. We should reach out, listen to, and work with other countries that can help.”

9/11 Commission Recommendation – Page 379

“A comprehensive U.S. strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children’s future.”

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“The attacks on 9/11 demonstrated that even the most robust emergency response capabilities can be overwhelmed...”



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Title XXIII: Miscellaneous

Enhances the authority of the Under Secretary for Management at the Department of Homeland Security. Requires the Department of Homeland Security to conduct a Quadrennial review of the national homeland security strategy. Requires the Secretary to submit to Congress a report regarding the results of the Quadrennial Homeland Security Review. Requires the Secretary to establish a demonstration project for security management systems. Expresses the Sense of Congress of the need to address radicalization that leads to ideological based violence.

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“The language of war also evokes the mobilization for a national effort. Yet the strategy should be balanced. America can be attacked in many ways and has many vulnerabilities. Responsibilities for America's defense should be clearly defined... Finally, the nation must prepare to deal with attacks that are not stopped... Goals are good. Yet effective public policies also need concrete objectives.”

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